

**ARCHITECTS SECTION
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
WEDNESDAY, APRIL 22, 2009**

PRESENT: Walter Wilson, Lawrence Schnuck, Julia DeCicco and Gary Kohlenberg

ABSENT: Gary Gust

STAFF PRESENT: Yolanda McGowan, Bureau Director; Colleen Baird, Legal Counsel;
Kimberly Wood, Bureau Assistant

GUESTS: Bill Babcock

OPEN SESSION – CALL TO ORDER

Walter Wilson, Chair, called the meeting to order at 11:19 am a.m. A quorum of four (4) members was present.

ADOPTION OF AGENDA

MOTION: Julia DeCicco moved, seconded by Lawrence Schnuck, to approve the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES (OCTOBER 22, 2008)

MOTION: Gary Kohlenberg moved, seconded by Julia DeCicco, to approve the minutes of October 22, 2008 as written. Motion carried unanimously.

ELECTION OF OFFICERS FOR 2009

MOTION: Gary Kohlenberg nominated Walter Wilson as Chair, Lawrence Schnuck as Vice Chair and Julia DeCicco as Secretary. All Officers were re-elected by consensus vote.

Appoint Board's Representatives to Screening Panel by Board Chair

Walter Wilson re-appointed Gary Gust and Julia DeCicco as the Section's screening panel members.

Appoint Public Member to A-E Rules Committee by Board Chair

Walter Wilson appointed Gary Gust as the Section's public member to the A-E Rules Committee.

ADMINISTRATIVE REPORT

Yolanda McGowan deferred to the Administrative Report provided at the Joint Board meeting including the report regarding the annual policy review. The Section was then informed of Nicole Goodman's transfer from the Division of Board Services to the Office of Education and Examinations. Kimberly Wood was then introduced and the Section was advised that she would be taking minutes at today's meeting.

2009 Meeting and Screening Dates

The 2009 meeting and screening dates were provided to the Section on an informational basis.

Department Updates

Noted.

Motion to Designate Hearings and Appeals Attorney as ALJ

Yolanda McGowan advised the Section of the Department's initiative to move the Administrative Law Judge (ALJ) function to the Division of Hearings and Appeals and further advised that this motion allows an attorney outside of the Department to handle these matters. Colleen Baird added that the move of the ALJ function alleviates conflict of interest concerns relating to ALJ's working in the same building with prosecuting attorneys.

MOTION: Lawrence Schnuck moved, seconded by Julia DeCicco, to designate an attorney who is employed by the Division of Hearings and Appeals, Wisconsin Department of Administration, to serve as an Administrative Law Judge to preside over Class 1 license denial hearings and Class 2 disciplinary proceedings, pursuant to Wis. Admin. Code § RL 1.08 and § RL 2.10. This designation is in addition to the designation already provided for in Wis. Admin. Code § RL 1.08 and § RL 2.10. Motion carried unanimously.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY SUBMITTED AFTER PRINTING OF THE AGENDA

Martin Patrick Choren 06 ARC 003

No presentation was given regarding the Proposed Stipulation, Final Decision and Order in the matter of Martin Patrick Choren 06 ARC 003.

LEGISLATION/ADMINISTRATIVE RULES

Review of Rule Draft on 2007 Wisconsin Act 47 Relating to Continuing Education for Architects, Landscape Architects, Professional Engineers, Designers of Engineering Systems, and Land Surveyors

Colleen Baird provided the Section a copy of the continuing education rule draft with revisions and included requests for additional language revisions. Lawrence Schnuck provided background to the Section regarding the progress of this rule draft. Colleen Baird then reviewed the draft with the Section and a discussion of potential changes ensued resulting in revisions to the draft.

MOTION: Gary Kohlenberg moved, seconded by Lawrence Schnuck, to accept the revisions made to the continuing education rule draft, to designate Lawrence Schnuck to review and approve the final draft on behalf of the Architect Section and to submit the final draft to the A-E Joint Board Rules Committee at its next scheduled meeting. Motion carried unanimously.

Update on Proposed Rule Change Relating to the Timing of Applicants Taking the ARE Exam A-E 3.05(2)

Yolanda McGowan informed the Section that a scope statement has been published. Legal Counsel will begin preparation of the rule draft.

Update on LRB 07-2357 Relating to Qualifications for Registration as an Architect

The Section was informed that Yolanda McGowan has submitted a request to the Department's legislative liaison to prepare a draft relating to the qualifications as an Architect. Yolanda McGowan will look into whether or not a draft has been prepared by the Legislative Reference Bureau and will contact the Section with her findings.

MOTION: Gary Kohlenberg moved, seconded by Julia DeCicco, to authorize Lawrence Schnuck to act on behalf of the Section in the solicitation of sponsorship for legislation regarding the qualifications of registered architects. Motion carried unanimously.

Update on Proposed Rule Relating to Creating Discipline for Failure to Respond to Information Requests from the Joint Board, Sections, and Department

The Section was informed that there will be a public hearing, pertaining to the this proposed rule which creates discipline for failure to respond to information requests from the Joint Board, it's Sections and the Department, at the AE Rules Committee meeting on May 27, 2009.

Update on Rule Draft Relating to Definition of Responsible Charge

Yolanda McGowan informed the Section that a public hearing regarding the rule draft relating to definition of responsible charge will be held at the May 27, 2009 AE Rules Committee meeting.

TRAVEL

NOMINATE A DELEGATE TO ATTEND THE 2009 NCARB ANNUAL MEETING

The Section reviewed information regarding the 2009 NCARB Annual Meeting. Walter Wilson informed the Section that due to the state of the economy NCARB, had offered funded travel for two members of the Section.

MOTION: Lawrence Schnuck moved, seconded by Julia DeCicco, to nominate Walter Wilson, Gary Gust and Lawrence Schnuck as the Section's delegates to attend the NCARB Annual Conference. Motion carried unanimously.

REPORT BY WALTER WILSON ON THE JOINT REGION 4, 5 & 6 MEETING IN SALT LAKE CITY, UT

Walter Wilson deferred to the report provided within the Section's agenda packet and referred to the information he presented at today's Joint Board meeting.

SECTION MEMBER ACTIVITY

None.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

None.

NEW BUSINESS

None.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Lawrence Schnuck moved, seconded by Julia DeCicco, to convene to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g), to review applications, deliberate on proposed stipulations, deliberate on administrative warning; deliberate on hearings or appearances for denial of applications; review monitoring cases; review DOE cases, and consult with legal counsel. Roll Call Vote: Julia DeCicco-yes; Gary Kohlenberg-yes; Lawrence Schnuck-yes; Walter Wilson-yes. Motion carried unanimously.

Open Session recessed at 2:16 p.m.

RECONVENE TO OPEN SESSION

MOTION: Lawrence Schnuck moved, seconded by Gary Kohlenberg, to reconvene open session at 4:00 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT OR ANY RECEIVED AFTER MAILING OF AGENDA

None.

CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT OR ANY RECEIVED AFTER MAILING OF AGENDA

06 ARC 004

MOTION: Lawrence Schnuck moved, seconded by Gary Kohlenberg, to close case # 06 ARC 004 for administrative closure (AC). Motion carried unanimously.

06 ARC 011

MOTION: Lawrence Schnuck moved, seconded by Gary Kohlenberg, to close case # 06 ARC 011 for insufficient evidence. Motion carried unanimously.

06 ARC 012

MOTION: Lawrence Schnuck moved, seconded by Gary Kohlenberg, to close case # 06 ARC 012 for no violation. Motion carried unanimously.

DELIBERATION ON PROPOSED STIPULATIONS OR ANY SIGNED AFTER MAILING OF AGENDA

MARTIN PATRICK CHOREN

06 ARC 003

MOTION: Lawrence Schnuck moved, seconded by Gary Kohlenberg, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Martin Patrick Choren, 06 ARC 003. Motion carried unanimously.

**DELIBERATION ON PROPOSED ADMINISTRATIVE WARNINGS OR ANY
RECEIVED AFTER PRINTING OF AGENDA**

None.

PROPOSED DECISION OR ANY SIGNED AFTER PRINTING OF AGENDA

None.

DELIBERATION ON ORDER FIXING COSTS

None.

**DELIBERATION ON DISCIPLINARY ACTIONS SIGNED AFTER PRINTING OF
AGENDA**

None.

PETITIONS FOR REHEARING RECEIVED AFTER THE MAILING OF AGENDA

None.

**REQUEST FOR CLASS 1 HEARINGS OR ANY REQUESTED AFTER PRINTING OF
AGENDA**

None.

APPLICATION REVIEW OR ANY SUBMITTED AFTER PRINTING OF AGENDA

MOTION: Lawrence Schnuck moved, seconded by Gary Kohlenberg, to deny Barton Reed Becker's application for licensure for failure to submit three (3) licensed Architect references. Motion carried unanimously.

MOTION: Lawrence Schnuck moved, seconded by Gary Kohlenberg, to issue an intent-to-deny on Ronald C. Hommerding's application for licensure for failure to submit three (3) licensed Architect references and for lack of firm license. Motion carried unanimously.

MOTION: Lawrence Schnuck moved, seconded by Gary Kohlenberg, to issue an intent-to-deny for exam privileges for Chuawudifu Okwuje's application for licensure due to lack of supervised experience. Motion carried unanimously.

MOTION: Lawrence Schnuck moved, seconded by Gary Kohlenberg, to issue an intent-to-deny for John M. Hersey's application for licensure for insufficient references and lack of firm license. Motion carried unanimously.

MOTION: Lawrence Schnuck moved, seconded by Gary Kohlenberg, to approve James Prisby, Thomas John Dornack, Kim D. Bretheim, Sanjay D. Jani, Scott & Goble Architects, Joel M. Josehart, John P. Van Nelle, and Julian Smith's application for licensure. Motion carried unanimously.

**REINSTATEMENT REQUESTS OR ANY SUBMITTED AFTER PRINTING OF
AGENDA**

None.

EXAMINATION ISSUES

None.

CONSULTING WITH LEGAL COUNSEL

None.

**DOE – SIGNATURES FOR PROPOSED STIPULATIONS, ORDERS AND
ADMINISTRATIVE WARNINGS**

Signatures were collected for all required documentation.

ADJOURNMENT

MOTION: Lawrence Schnuck moved, seconded by Gary Kohlenberg, to adjourn the meeting at 4:05 p.m. Motion carried unanimously.